

## Message Text

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11

ACTION EA-10

INFO OCT-01 ISO-00 CIAE-00 NSAE-00 NSCE-00 SSO-00 USIE-00

INRE-00 PM-03 H-02 INR-07 L-02 NSC-05 PA-01 PRS-01

SP-02 SS-15 AID-05 IGA-01 ACDA-05 MC-02 TRSE-00 OMB-01

/063 W

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O P 050849Z MAY 75

FM AMEMBASSY MANILA

TO SECSTATE WASHDC IMMEDIATE 2939

INFO AMEMBASSY BANGKOK PRIORITY

AMEMBASSY KUALA LUMPUR PRIORITY

AMEMBASSY SINGAPORE PRIORITY

DOD

JCS

CINCPAC

CINCPACREPPHIL

13TH AF CLARK

C O N F I D E N T I A L MANILA 5843

E.O. 11652: GDS

TAGS: AEMR, SREF, CB, VS, RP, US

SUBJECT: US TITLE TO VIETNAMESE AND CAMBODIAN MILITARY EQUIPMENT

1. AS DEPARTMENT IS AWARE, EMBASSY HAS BEEN ATTEMPTING TO OBTAIN ACQUIESCENCE PHILIPPINE AUTHORITIES TO OUR PROPOSED ACTION TO ASSERT TITLE TO ALL VIETNAMESE AND CAMBODIAN MILITARY EQUIPMENT OF U.S. ORIGIN WHICH MAY ARRIVE AT U.S. MILITARY FACILITIES IN PHILIPPINES. WE HAVE HAD INFORMAL ARRANGEMENT WITH EXECUTIVE SECRETARY MELCHOR THAT GOP WOULD NOT RPT NOT CHALLENGE U.S. CLAIM TO SHIPS ARRIVING AT SUBIC PROVIDED U.S. ASSUMES RESPONSIBILITY FOR REFUGEES ABOARD SUCH SHIPS, HOWEVER, WE HAVE NOT RPT NOT HAD A FIRM GOP AGREEMENT TO THIS EFFECT.

2. MORNING MAY 5, FOREIGN SECRETARY ROMULO CALLED ME  
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TO DISCUSS MATTER AND ASKED FOR OUR POSITION, WHICH I GAVE

HIM ORALLY. HE DID NOT RPT NOT CONTEST THAT POSITION, BUT MERELY ASKED THAT WE STATE GROUNDS ON WHICH WE ARE ACTING IN A NOTE VERBALE. ACCORDINGLY, WE HAVE MAY 5 SENT FOLLOWING NOTE TO FOREIGN OFFICE, MERELY STATING OUR POSITION AND INFORMING GOP OF ACTION WE ARE TAKING.

QUOTE. THE EMBASSY OF THE UNITED STATES OF AMERICA PRESENTS ITS COMPLIMENTS TO THE DEPARTMENT OF FOREIGN AFFAIRS OF THE REPUBLIC OF THE PHILIPPINES AND HAS THE HONOR TO REFER TO CERTAIN MILITARY EQUIPMENT THAT WAS FURNISHED BY THE UNITED STATES GOVERNMENT AS MILITARY ASSISTANCE TO THE FORMER GOVERNMENTS OF THE KHMER REPUBLIC AND THE REPUBLIC OF VIET-NAM.

UNDER THE PROVISIONS OF THE INTERNATIONAL AGREEMENTS WITH THE ABOVE CITED GOVERNMENTS AND ALSO UNDER UNITED STATES LAW, TITLE TO THE MILITARY EQUIPMENT SO FURNISHED REVERTS TO THE UNITED STATES GOVERNMENT WHEN THE EQUIPMENT IS NO LONGER REQUIRED FOR THE PURPOSE FOR WHICH IT WAS ORIGINALLY PROVIDED.

CONSEQUENTLY, THE EMBASSY WISHES TO TAKE THIS OCCASION TO NOTIFY THE DEPARTMENT THAT THE UNITED STATES GOVERNMENT HAS ASSERTED ITS TITLE TO ALL SUCH MILITARY EQUIPMENT PREVIOUSLY FURNISHED BY THE UNITED STATES GOVERNMENT TO CAMBODIA AND VIET-NAM, WHICH IS NOW DE JURE PROPERTY OF THE UNITED STATES GOVERNMENT. IT IS THE INTENTION OF THE UNITED STATES GOVERNMENT TO TAKE POSSESSION OF SUCH PROPERTY WHEREVER POSSIBLE.

CERTAIN AIRCRAFT AND SHIPS FALLING UNDER THE PROVISIONS OF THIS ACTION HAVE ARRIVED OR WILL ARRIVE AT UNITED STATES MILITARY BASES IN THE PHILIPPINES. THEY ARE BEING REPOSSESSED BY UNITED STATES MILITARY AUTHORITIES, AND THE PHILIPPINE MILITARY LIAISON OFFICERS AT THE BASES WILL CONTINUE TO BE KEPT INFORMED OF ACTION TAKEN.

THE EMBASSY AVAILS ITSELF OF THIS OPPORTUNITY TO RENEW TO THE DEPARTMENT OF FOREIGN AFFAIRS THE ASSURANCES  
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OF ITS HIGHEST CONSIDERATION. UNQUOTE.

3. RADIOS HANOI AND SAIGON HAVE BROADCAST "NOTES" FROM PRG TO PHILIPPINES "DEMANDING" RETURN OF THIS EQUIPMENT TO VIET-NAM. WE ASSUME PHILIPPINE PUBLIC POSITION WILL BE THAT EQUIPMENT BELONGS TO U.S., AND WILL USE OUR NOTE TO SUBSTANTIATE THAT STATEMENT. (WE ALSO ASSUME THAT, SUBSEQUENTLY, GOP WILL HOPE THAT SOME OF THIS MATERIAL WILL

BE DECLARED EXCESS AND TURNED OVER TO PHILIPPINES.)

4. IT OCCURS TO ME THAT OUR POSITION WOULD BE MORE  
CONSISTENTLY FORCEFUL AND PERHAPS BETTER UNDERSTOOD ABROAD  
IF WE FOLLOW THROUGH WITH THE FULL LOGIC OF OUR ASSERTION  
OF TITLE BY DEMANDING THAT THE NEW AUTHORITIES IN SAIGON  
AND PHNOM PENH RETURN TO THE POSSESSION OF THE UNITED  
STATES ALL THE EQUIPMENT THEY HAVE SEIZED. I REALIZE  
THIS IS AN EMPTY PLOY WHICH WILL BE TREATED WITH CONTEMPT  
BY THOSE TO WHOM IT IS ADDRESSED. HOWEVER, IF WE GO ON THE  
OFFENSIVE THIS WAY, IT WILL TURN WORLD ATTENTION TO OUR  
DEMAND UPON THE COMMUNISTS RATHER THAN TO THE COMMUNIST  
DEMAND UPON THEIR SMALL SEA NEIGHBORS. I SUGGEST  
SERIOUS ATTENTION BE GIVEN TO THIS PROPOSAL SOONEST.  
SULLIVAN

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## Message Attributes

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